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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/709,344	04/29/2004	Georg Reinbold	P7482US	3343
30008	7590	08/13/2007	EXAMINER	
GUDRUN E. HUCKETT DRAUDT SCHUBERTSTR. 15A WUPPERTAL, 42289 GERMANY			LEE, LAURA MICHELLE	
		ART UNIT		PAPER NUMBER
		3724		
		MAIL DATE	DELIVERY MODE	
		08/13/2007	PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/709,344	REINBOLD ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Laura M. Lee	3724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 23 May 2007.

2a)  This action is **FINAL**.                    2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## **Disposition of Claims**

4)  Claim(s) 4-12 and 15 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 4-12 and 15 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-89)

2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)  Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date

4)  Interview Summary (PTO-413)

Paper No(s)/Mail Date. \_\_\_\_\_.

5)  Notice of Informal Patent Application

6)  Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 5/23/2007 has been entered.

As per this office action, claims 4-12,15 are currently pending, claims 4-12 are currently amended, and claim 15 is new.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 1-15 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 4-12,15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kennedy et al. (U.S. Patent 5,884,682), herein referred to as Kennedy. Kennedy

discloses a method of sawing (curve sawing) pieces of wood (12) in a sawing station, the method comprising the steps of:

- a) measuring the pieces of wood (workpieces, 12) in a measuring station (not contact scanner; 14)
- b) sequentially transporting on a transport device (feedworks, 42) the pieces of wood (12) from the measuring station (14) to a sawing station (Figure 6) and scanning (i.e. infeed photoeye / synchronizer photoeye / encoder; 45/ 46/ 43; column 12, lines 1-24) a position of each of the pieces of wood during transport on the transport device (feedworks, 42) from the measuring (14) to the sawing station (Figure 6) and sending input signals of the scanned position to a control unit (PLC, 18);
- c) cutting the pieces of wood in the sawing station into at least two sections based upon measured results taken the step a) (see column 10, lines 35-58) and monitoring a saw position (i.e. monitored load levels/ amperage/workpiece density; sensor 50; column 13, lines 7-22; lines 50-57) of a saw of the sawing station and sending input signals of the saw position to the control unit (PLC, 18);
- d) recalculating and variable adjusting, based on the input signals of step b) (see (column 3, lines 55-68; column 4, lines 1-6; and see column 13, lines 7-21) step c), a feeding velocity of the pieces of wood during transport according to step b) such that sequentially transported pieces of wood have a minimal spacing relative to one another (a gap between subsequent workpiece may be adjusted; column 12, lines 17-19).

Kennedy does not specifically disclose that the second piece of wood that trails immediately a first piece of wood being cut in the sawing station is already transported

into the sawing station while the first piece of wood is still being cut. However, as similarly disclosed by applicant, Kennedy discloses that is desirable to processes as quickly as possible the maximum about of cut lumber possible from a log or cant and to especially to improve the speed of recovery of material from non-straight cants. Kennedy further discloses that variations of feed speed so as to maximize the feed speed assist in providing enhanced throughput in terms of lumber volume (column 1, lines 16-20; column 13, lines 25-27). Kennedy also discloses, a similar system as disclosed by the applicant of, providing a means of continuously monitoring and variably adjusting the speed of a cant from a scanning to a sawing station such that the system is capable of adjusting gaps between successive cants and thereby improving the lumber throughput and volume return. Therefore, although Kennedy is silent as to whether the trailing lumber piece is already transported into the sawing station while the first piece of wood is still being cut, it would have been obvious to one of ordinary skill to have applied the Kennedy system to control the trailing lumber piece to achieve that particular special relationship so that maximum lumber processing speed and thus lumber volume could be obtained.

In regards to claim 4, Kennedy discloses wherein the feeding velocity of the second piece of wood is continuously recalculated (see column 12, 66-67 - column 13, lines 1-6).

In regards to claim 5, Kennedy discloses wherein the step of scanning in step b) is done continuously and wherein the control unit recalculates the feeding velocity on

the continuously scanned positions of the pieces of wood (see column 12, 66-67 - column 13, lines 1-6).

In regards to claim 6, Kennedy discloses wherein a feeding velocity of the second piece of wood is controlled so as to minimize a distance between the first and second pieces of wood (maximize the feed speed).

In regards to claim 7, Kennedy discloses wherein, in the step a), a length of the pieces of the wood is measured (column 10, lines 28-39).

In regards to claim 8, Kennedy discloses wherein, in the step a), a defect of the pieces of wood is measured (column 10, lines 28-39; if there is a defect in the wood it is modeled too; also see column 13, lines 7-13).

In regards to claim 9, Kennedy discloses comprising step of saving the measured results (column 10, lines 28-39; see column 13, lines 7-13).

In regards to claim 10, Kennedy discloses wherein the measured results that are saved are used for recalculating and variably adjusting the feeding velocity according to step d) (see column 13, lines 13-14).

In regards to claim 11, Kennedy discloses in the step b) the second pieces of wood are supplied without interruption to the sawing station.

In regards to claim 12, Kennedy discloses the step of decoupling a drive (variable feed drive, 44) for transporting the pieces of wood to the sawing station from a drive (motor, 45; column 13, lines 16-17) of the sawing station (Figure 6).

***Conclusion***

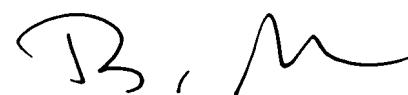
5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. Patent 6,659,266 to Therrien et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura M. Lee whose telephone number is (571) 272-8339. The examiner can normally be reached on Monday through Friday, 8:00am to 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley can be reached on (571) 272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

LML  
08/02/2007

  
BOYER D. ASHLEY  
SUPERVISORY PATENT EXAMINER